

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**Anas ELHADY, et al.,**

**Plaintiffs,**

**V.**

**CHARLES H. KABLE, et al.,**

## Defendants.

**Case No. 1:16-cv-375 (AJT/JFA)**

## NOTICE OF LODGING

The United States hereby gives notice that it is lodging one document, the 2018 Watchlisting Guidance (“WLG”), TSCF0003, for the Court’s *in camera*, *ex parte* review only. On May 29, 2018, Defendants lodged 36 documents, including 5 classified documents, for the Court’s *in camera*, *ex parte* review (Dkt. No. 218) in accordance with the Court’s May 18, 2018 Order that the United States provide for the Court’s *ex parte* and *in camera* review those documents listed in Exhibit A of Plaintiffs’ Reply in Support of Plaintiffs’ First Motion to Compel, and which remained subject to Plaintiffs’ First Motion to Compel (Dkt. No. 139). Dkt. No. 208-1. One such document was the 2015 WLG, TSCA0019, which was the interagency document containing the operative TSDB standards and procedures as of December 2015. In accordance with the periodic updating of the WLG, the 2018 WLG became the operative U.S. Government policy document on March 19, 2019.

By order dated January 4, 2019, the Court denied without prejudice Plaintiffs' First Motion to Compel, explaining that the "outstanding issues appear ripe for adjudication, without the need to disclose to the Plaintiffs the sought after documents," and that the parties' cross

motions for summary judgment would “allow the Court to better assess whether there are outstanding issues of material fact whose resolution justifies disclosure to the Plaintiffs of some or all of the documents Plaintiffs’ seek in the [First Motion to Compel].” Dkt. No. 258. Because the 2018 WLG contains the Government’s current watchlisting standards and procedures, the Government has submitted the 2018 WLG for *in camera*, *ex parte* review consistent with the Court’s expressed ongoing need to consider “not only the merits of the privileges asserted and their relevance to the outstanding constitutional issues to be decided but also Plaintiffs’ need for these documents for the purposes of adjudicating Plaintiffs’ claims.” *Id.*

Defendants have provided Plaintiffs with an updated privilege log reflecting this additional document. In connection with their Opposition to Plaintiffs’ Motion for Summary Judgment, Defendants have also filed the March 22, 2019 Supplemental Declaration of Timothy P. Groh, which formally asserts the law enforcement privilege over the contents of the 2018 WLG, for the same reasons set forth as to the 2015 WLG in the April 23, 2018 Groh Declaration in support of Defendants’ opposition to Plaintiffs’ First Motion to Compel, submitted *in camera* and *ex parte*. *See also* Dkt. No. 178-18 ¶¶ 26-38, 85 (public version of *in camera*, *ex parte* declaration redacted of privileged information).

Dated: March 25, 2019

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 25, 2019, I filed the foregoing via the CM/ECF system,  
which will send a Notification of Electronic Filing to all counsel of record.

/s/ Lauren A. Wetzler

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